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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911.319	07/23/2001	Jeremy Mitts	MEDIA P-3 CIP	3594
28752	7590	05/24/2004	EXAMINER	
LACKENBACH SIEGEL, LLP LACKENBACH SIEGEL BUILDING 1 CHASE ROAD SCARSDALE, NY 10583			YENKE, BRIAN P	
			ART UNIT	PAPER NUMBER
			2614	
			DATE MAILED: 05/24/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/911,319

Applicant(s)

MITTS ET AL.

Examiner

BRIAN P. YENKE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date U.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corey, US 5,703,655 in view of Hullinger et al., US 6,295,092.

In considering claims 1-2, and 6-9, 13-18,

*a) the claimed a tuner...* is met by tuner receiver 24 (Fig 2)

*b) the claimed a decoder* is met by closed caption decoder 52 (Fig 2)

*c) the claimed a text handler* is met by closed caption formatter 204 (Fig 2) which transforms all closed caption data into a common format and outputs the caption data to at least a video retrieval index generator 212 and optionally to close caption storage 72 (col 5, line 31-57).

*e) the claimed a previously submitted search profile...* is met by user input device 76 (Fig 1).

*f) the claimed processing means...* is met by video retrieval system 20 where the closed-caption data is evaluated using engine 232, which evaluates a users/operators request using a context-free query evaluator and a semantic query evaluator 240 (Fig 7). The

text thus stored in the storage 72, may contain any predetermined letters or characters defined by the search string implemented by a user.

However, Corey does not explicitly recite the use of a server (limitation d). Corey does disclose the storage of text files both in closed caption storage 72 and generator 212.

Corey discloses a video retrieval system 20 which can interact with a plurality of users, plurality of video signal sources/tuners, where the control module 60/formatter 204 transforms all closed caption input data into a common input and output the data to at least an index generator 212 and optionally to a closed caption storage 702 (Fig 1, 2).

Hullinger et al., US 6,295,092 discloses a system for analyzing television programs, where a capture machines 14, 16 and 18 which capture the video, audio as well as the closed captioned data and correspondingly the machines break the news stories into segments and classify the contents accordingly. The machines 14, 16 and 18 then transfer the analyzed data to the user interface 24 via server 20.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify, Corey, which discloses the acquisition/retrieval/transmission of video/audio/cc data, where a plurality of users can access closed caption storage 72 via control module 60, with Hullinger, to utilize control module 60 as a server which can also provide data/retrieval to a plurality of users.

In considering claims 3-4 and 10-11 and 20,

Corey does not specifically disclose the printable document having information that identifies the inquiry client. Corey does disclose that the documents are identified by titles indicating the category.

The annotation in a search/retrieval system which identifies the requester and the source of the information is conventional in the art. The examiner relies on Hullinger which discloses that the broadcast source is identified in the generated results.

Regarding the document including the inquiry client, both Corey and Hullinger disclose transmitting to the user the information requested. Thus although the record/text might not include the name/inquiry client, the transmission of the document to the appropriate user out of a plurality of users, performs identification.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Corey and Hullinger which provide a search resultant television system which allows the user(s) to search/retrieve desired information, and transmitting back to the user the requested/desired information, by also including on the document the user requesting the information, in the event more than one user is utilizing the same computer/PC, which would readily provide the results to the appropriate user.

In considering claims 5, 12 and 19,

Neither Corey nor Hullinger disclose an embedded link. However, the use of an embedded link provided to a user to access additional information is widely known and conventional in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Corey and Hullinger which provide a search resultant television system which allows the user(s) to search/retrieve desired information, and transmitting back to the user the requested/desired information, by also including an embedded link in the information provided to the user to allow the user access to additional information if available.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-2 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of copending Application No. 09/911320. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the reasons as stated below.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

In considering claims 1-2, the claimed subject matter is rejected over that of co-pending application 09/911320 (claim 10).

*a) the claimed a tuner; b) the claimed a decoder and c) the claimed text handler* is met by copending claim 10 (limitation a) which recites a tuner, decoder and text handler

*d) the claimed a server* is met copending claim 10, limitation b, a central server for storing text files. Although the copending claim states a "central" server, the server stores the text files as claimed in the parent application and therefore performs the claimed limitation, thus not being patentably distinct.

*e) the claimed a previously submitted search profile...* is met by copending claim 10, limitation c and inquiry client which submits a search profile to the server.

*f) the claimed processing means...* is met by copending claim 10, limitations d-e, which include a means for comparing the search profile with the text files and creates a search result which is displayed to the inquiry client via a web browser.

### **Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—please refer to newly cited references on attached form PTO-892.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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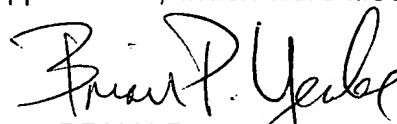
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General information brochures can also be obtained in person from the Patent Search Room located in Crystal Plaza 3, Room 1A03, 2021 South Clark Place, Arlington, VA 22202.

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publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



BRIAN P. YENKE  
Primary Examiner  
Art Unit 2614



B.P.Y.  
17 May 2004